GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2167
ANSWERED ON:30.11.2007
IMMEDIATE IMPLEMENTATION OF BAIL ORDER
Gangwar Shri Santosh Kumar;Malhotra Prof. Vijay Kumar

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court in its order has stated that release of any accused on bail must be ensured immediately after passing bail order by the court otherwise it will be deemed to have violation of Article 21;

(b) if so, the details thereof;

(c) whether the Government proposes to make the orders of the Magistrate sent by fax or e-mail admissible before the Magistrate; and

(d) if so, the details thereof?

Answer

MINISTER OF LAW & JUSTICE (SHRI H.R.BHARDWAJ)

(a)&(b) Yes, Sir. The Hon'ble Supreme Court has, in its Order in Criminal Appeal No. 1423 of 2007 titled Shah Nawaz Khan vs. State of Maharashtra passed on 10.10.2007, inter alia stated that "â€¦It is expected that the bail order once it is passed should be complied with most expeditiously and the detenu released otherwise there will be violation of Article 21 of the Constitutionâ€¦"

(c) No proposal is under consideration of the Government to make orders of the Magistrate sent by fax or e-mail admissible before the Magistrate.

(d) Does not arise.